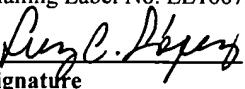




17439 U.S. PTO

**CERTIFICATION UNDER 37 C.F.R. AND 1.10**  
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Address" Mailing Label No. EL166757062US on March 30, 2004.

  
Signature

LUZ C. LOPEZ  
(type or print name of person certifying)

PATENT  
Docket No.: 92030/03-701  
Page 1 of 8

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10/812837



Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor(s): David G. MALONE

For (title): Devices and methods for facilitating controlled bone growth or repair

**1. Type of Application**

This new application is for a(n)

Original (nonprovisional)  
 Design

- Plant
- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

- The new application being transmitted is a continuation-in-part of co-pending International Application No. PCT/US02/23262, filed July 23, 2002, which International Application designates the United States and which itself is a continuation-in-part of U.S. Patent Application Serial No. 09/737,074, filed December 14, 2000, now abandoned, to which priority is claimed.

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

- 28 Pages of Specification
- 8 Pages of Claims
- 1 Pages of Abstract
- 12 Sheets of Drawing [Formal]

- The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

- Formal
- Informal

**B. Other Papers Enclosed**

- Pages of declaration and power of attorney
- Pages of assignment
- Nonpublication Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i)
- Initial Application Data Sheet
- None
- Other

**4. Additional Papers Enclosed**

- Amendment to claims
- Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee.  
(At least one original independent claim must be retained for filing purposes.)
- Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. Section 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

**5. Declaration or Oath (including power of attorney)**

- Enclosed
  - Executed by
  - inventor(s).
  - legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
  - joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
  - This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.
- Not Enclosed.
  - Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).
  - Showing that the filing is authorized.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
 is submitted.  
 will be submitted.

**7. Language**

English  
 Non-English

The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

**8. Assignment**

An assignment of the invention to

is attached. A separate  
 "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  
 FORM PTO 1595 is also attached.  
 Will follow.  
 Assignment previously recorded on \_\_\_\_\_ at Reel \_\_\_\_ / Frame \_\_\_\_.  
 No assignment.

**9. Certified Copy**

Certified copy(ies) of application(s)

Country:

Application No.:

Filed:

from which priority is claimed

[ ] is (are) attached.  
[ ] will follow.

**10. Fee Calculation (37 C.F.R. Section 1.16)**

**A. [X] Regular application**

**CLAIMS AS FILED**

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	37	- 20 =	17 x	\$ 18.00	306.00
Independent Claims (37 C.F.R. Section 1.16(b))	9	- 3 =	6 x	\$ 86.00	516.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))			+	\$290.00	0.00

[ ] Amendment cancelling extra claims is enclosed.  
[ ] Amendment deleting multiple-dependencies is enclosed.  
[ ] Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$1,592.00

B.  Design application  
(\$340.00--37 C.F.R. Section 1.16(f))  
Filing Fee Calculation \$ \_\_\_\_\_

C.  Plant application  
(\$530.00--37 C.F.R. Section 1.16(g))  
Filing Fee Calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

Small entity statement is claimed at this time.  
 Small entity statement is not claimed at this time.

Filing Fee Calculation (50% of A, B or C above) \$ 796.00

**12. Request for International-Type Search (37 C.F.R. Section 1.104(d))**

*(complete, if applicable)*

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

Not Enclosed

No filing fee is to be paid at this time.

Enclosed

Filing fee \$ \_\_\_\_\_

Recording assignment  
(\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.") \$ \_\_\_\_\_

[ ]	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. Sections 1.47 and 1.17(I))	\$ _____
[ ]	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))	\$ _____
[ ]	Processing and retention fee (\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))	\$ _____
[ ]	Fee for international-type search report (\$40.00; 37 C.F.R. Section 1.21(e))	\$ _____
Total Fees Enclosed		\$ _____

**14. Method of Payment of Fees**

- [ ] Check in the amount of \$\_\_\_\_\_.
- [ ] Charge Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_.  
[ ] A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

- [ ] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No..
  - [ ] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
  - [ ] 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
  - [ ] 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - [ ] 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))
  - [ ] 37 C.F.R. Section 1.17 (application processing fees)
  - [ ] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

**16. Instructions as to Overpayment**

Credit Account No. \_\_\_\_\_.  
 Refund

**17. Correspondence Address**

Customer No. 22206

DATE

3/30/04

Reg. No.: 36,050

Tel. No.: (918) 599-0621

Customer No.: 22206

Respectfully submitted,



**SIGNATURE OF PRACTITIONER**

R. Alan Weeks

*(type or print name of practitioner)*

321 S. Boston Ave., Suite 800

P.O. Address

Tulsa, OK 74103-3318